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"NBS Default Services")*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

RUBILYN M. FERNANDO DBA ALL ABOUT
MARKETING,

Debtor.

RUBILYN M. FERNANDO,

Plaintiff,

Vs.

HSBC BANK USA, NATIONAL
ASSOCIATION, AS TRUSTEE FOR THE
BENEFIT OF PEOPLE'S FINANCIAL REALTY
MORTGAGE SECURITIES TRUST, SERIES
2006-1, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-1; OCWEN LOAN
SERVICING, LLC; WESTERN PROGRESSIVE-
NEVADA, INC.; DEUTSCHE BANK
NATIONAL TRUST COMPANY, AS
CERTIFICATE TRUSTEE ON BEHALF OF
BOSCO CREDIT II TRUST SERIES 2010-1;
AND FRANKLIN CREDIT MANAGEMENT
CORPORATION,

Defendants.

Adv. Proc. No. 16-01115-LED

Related Bankruptcy:
Case No. 16-13250-LED

**NOTICE OF JOINDER TO
DEFENDANT OCWEN LOAN
SERVICING, LLC AND HSBC BANK,
USA, NATIONAL ASSOCIATION AS
TRUSTEE FOR THE BENEFIT OF
PEOPLE'S FINANCIAL REALTY
MORTGAGE SECURITIES TRUST,
SERIES 2006-1, MORTGAGE PASS-
THROUGH CERTIFICATES SERIES
2006-1'S MOTION TO DISMISS FOR
LACK OF SUBJECT MATTER
JURISDICTION AND FAILURE TO
STATE A CLAIM UPON WHICH
RELIEF CAN BE GRANTED;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT
THEREOF**

Pursuant to F.R.C.P. 12(b)(1) and F.R.C.P. 12(b)(6), Defendants Franklin Credit

1 Management Corporation (“Franklin”) and Deutsche Bank National Trust Company, as Certificate
2 Trustee on Behalf of Bosco Credit II Trust Series 2010-1 (“Deutsche Bank”) (collectively
3 “Defendants”) hereby join the Motion to Dismiss filed in this matter by Defendants Ocwen Loan
4 Servicing (“Ocwen”) and HSBC Bank USA, National Association, as Trustee for the Benefit of
5 People’s Financial Realty Mortgage Securities Trust, Series 2006-1, Mortgage Pass-Through
6 Certificates, Series 2006-1 (“HSBC Bank, USA, N.A.”) on December 01, 2016 (Doc. #8).

7 Defendant Franklin is the current loan servicer for the Deutsche Bank, the beneficiary of
8 the junior lien on the residential real property commonly known as 2324 Scissortail Court, North
9 Las Vegas, Nevada 89084. Defendants Franklin and Deutsche Bank are similarly situated to
10 Defendants Ocwen and HSBC Bank USA, N.A., in that they have been hailed into the instant
11 matter by way of Plaintiff’s decision to file an baseless Adversary action in her dismissed 2016
12 Bankruptcy case.

13 Defendants Franklin and Deutsche Bank therefore join said Motion to Dismiss in its
14 entirety for most, if not all, of the substantive reasons stated therein. First, Defendants Franklin
15 and Deutsche Bank join Defendants Ocwen and HSBC Bank USA, N.A. in stating that the Plaintiff
16 fails to establish the Bankruptcy Court possesses subject matter jurisdiction over her stated claims
17 as the Plaintiff filed her Complaint in a closed, dismissed case (which Defendants further note,
18 Plaintiff shows no interest in re-opening or otherwise reinstating as Plaintiff filed her own Motion
19 to Dismiss subsequent to launching this Adversary case). Second, Defendants Franklin and
20 Deutsche Bank join their co-defendants in stating that Plaintiff’s claims, such as they are
21 understood by Defendants Franklin and Deutsche Bank, appear to be based in state law and
22 therefore do not arise under or in or are related to Title 11. Finally, Defendants Franklin and
23 Deutsche Bank join their co-defendants in stating that Plaintiff has failed to state a claim upon
24 which relief can be granted. This is particularly pertinent to Defendants Franklin and Deutsche
25 Bank, against whom Plaintiff makes no cognizable allegations whatsoever.

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1 For these reasons, Defendants respectfully request the Court grant Defendants Ocwen and
2 HSBC Bank USA, N.A.'s Motion to Dismiss in its entirety.

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4 DATED this 05th day of December, 2016.

5 BUCKLEY MADOLE, P.C.

6 /s/Lindsey H. Morales

7 Lindsey H. Morales, Esq.

8 Nevada Bar No. 11519

9 1635 Village Center Circle, Suite 130

10 Las Vegas, NV 89134

11 *Attorney for Defendants Franklin and Deutsche*
12 *Bank*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of BUCKLEY MADOLE and that service of the foregoing **NOTICE OF JOINDER** was made on the September 16, 2016, to all parties and counsel as identified on the Court-generated Notice of Electronic Filing and/or via mail at the following addresses:

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/s/ Bristol Cox
An Employee of BUCKLEY MADOLE, P.C.